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Open-ended Working Group on Ageing
Eighth working session
New York, 5-7 July 2017

Report of the Open-ended Working Group on Ageing on its eighth working session

Rapporteur: Lahya Itedhimbwa **Shikongo** (Namibia)

I. Organization of the session

A. Opening and duration of the session

1. The Open-ended Working Group on Ageing, established by the General Assembly in its resolution 65/182 for the purpose of strengthening the protection of the human rights of older persons, held its eighth working session at United Nations Headquarters from 5 to 7 July 2017. The Working Group held five meetings.

2. The session was opened by the Vice-Chair of the Working Group, Lidija Dravec (Slovenia).

B. Attendance

3. The session was attended by representatives of States Members of the United Nations. Representatives of national human rights institutions, organizations of the United Nations system and observers for intergovernmental and non-governmental organizations (NGOs) also attended. A list of participants is available from http://social.un.org/ageing-working-group/eighthsession.shtml.

C. Election of officers

4. At its 1st meeting, on 5 July, the Working Group elected, by acclamation, Martin Garcia Moritan (Argentina) as Chair, Katharina Konzett-Stoffl (Austria) as Vice-Chair and Lahya Itedhimbwa Shikongo (Namibia) as Rapporteur to fill the vacancies following the departure of Mateo Estreme (Argentina), Alan Cordina (Malta) and Janet Zeenat Karim (Malawi).

5. The Bureau of the eighth session of the Working Group was composed as follows:

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Chair:
Martin Garcia Moritán (Argentina)

Vice-Chairs:
Katharina Konzett-Stoffl (Austria)
Lidija Dravec (Slovenia)
Alanoud Qassim M. A. Al-Temimi (Qatar)

Rapporteur:
Lahya Itedhimbwa Shikongo (Namibia)

D. Agenda and organization of work

6. At its 1st meeting, the Working Group adopted the provisional agenda, as contained in document A/AC.278/2017/1. The agenda read as follows:

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Participation of national human rights institutions in the work of the Open-ended Working Group on Ageing.
4. Participation of non-governmental organizations in the work of the Open-ended Working Group on Ageing.
5. Measures to enhance the contribution of older persons to social development.
6. Measures to enhance the promotion and protection of the human rights and dignity of older persons.
7. Other matters.
8. Provisional agenda for the ninth working session of the Open-ended Working Group on Ageing.
9. Adoption of the report.

7. At the same meeting, the Working Group approved the proposed organization of work for its eighth working session, as set out in an informal paper, issued in English only, as orally revised.

E. Participation of national human rights institutions in the work of the Open-ended Working Group on Ageing

8. At its 1st meeting, the Working Group was informed of the participation of nine national human rights institutions in the eighth session, in accordance with decision 7/1 on the modalities of participation of national human rights institutions in its work (see A/AC.278/2016/2, para. 10).

F. Participation of non-governmental organizations in the work of the Open-ended Working Group on Ageing

9. At its 1st meeting, the Working Group decided to approve the participation of the following NGOs to participate in its work:

Alliance for Peace and Human Rights Organisation
Great Healthy Community — Elderly and Patient Caregivers Association

Les petits frères des Pauvres
Palestinian Center for Communication and Development Strategies

The Working Group also invited Gray Panthers to make a statement, time permitting, in accordance with paragraph 38 (b) of resolution 1996/31 of the Economic and Social Council.

G. Documentation

10. The list of documents before the Working Group at its eighth working session is available from http://social.un.org/ageing-working-group/eighthsession.shtml.

II. Measures to enhance the contribution of older persons to social development

11. The Working Group considered item 5 of the agenda at its 1st and 2nd meetings on 5 July 2017 and held a general discussion of the item.

12. At its 1st meeting, the Open-ended Working Group began its general discussion of the agenda item and heard statements by the representatives of Ecuador (on behalf of the Group of 77 and China), El Salvador (also on behalf of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Guatemala, Honduras, Indonesia, Kenya, Malaysia, Mexico, Panama, Peru, Qatar, Slovenia, South Africa, Trinidad and Tobago and Uruguay — members of the Group of Friends of Older Persons), the European Union, the Philippines, Costa Rica, Germany, Spain, France, Uruguay, Chile, Czechia, Canada, India, Peru, China, Israel, Slovenia, Hungary, South Africa, Austria, the United Kingdom of Great Britain and Northern Ireland, Bangladesh, Tunisia, Cuba, Turkey, Australia, Malta, Japan and the observer of the Holy See.

13. At the same meeting, statements were also made by the following national human rights institutions: the National Human Rights Commission of Korea, the Seimas Ombudsman's Office of Lithuania and the German Institute for Human Rights.

14. At its 2nd meeting, the Open-ended Working Group heard statements by the representatives of Namibia, Singapore, Lithuania, Brazil, Mexico, Qatar, Guatemala, Paraguay, Ghana, Colombia, Viet Nam, Argentina, Azerbaijan, Kenya, Nigeria, the Russian Federation, Iran (Islamic Republic of), the Dominican Republic and Saudi Arabia.

15. At the same meeting, statements were also made by the following national human rights institutions: the National Human Rights Commission of India; the Office of the Commissioner of Human Rights of Poland; the Office of the Ombudsman of Croatia; and the Commission on Human Rights of the Philippines.

16. Also at the same meeting, a statement was made by the observer of the Partners in Population and Development and by the representative of the World Health Organization (WHO).

17. Also at the 2nd meeting, statements were made by the following NGOs: Centre for Gerontological Studies, the International Network for the Prevention of Elder Abuse and the International Longevity Centre Global Alliance (joint statement), Global Ageing Network, AGE Platform Europe, National Association of Community Legal Centres, (Australia), Gray Panthers, HelpAge International, International Association for Hospice and Palliative Care, American Bar Association, China Great Wall Society, Great Healthy Community — Elderly and

Patient Caregivers Association of Turkey, and Asociación Central de Funcionarios Públicos y Docentes Públicos Jubilados del Paraguay.

III. Measures to enhance the promotion and protection of the human rights and dignity of older persons

18. The Working Group considered item 6 of the agenda at its 3rd to 5th meetings, on 6 and 7 July.

Panel discussion on equality and non-discrimination

19. At its 3rd meeting, on 6 July, the Working Group held a panel discussion on equality and non-discrimination. Presentations were made by the following panellists: Rosita Kornfeld-Matte, Independent Expert on the enjoyment of all human rights by older persons; Craig Mokhiber, Director of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in New York and Deputy to the Assistant Secretary-General for Human Rights; Anna Chabiera, senior specialist in the Department for Equal Treatment, Office of the Commissioner for Human Rights of Poland; Matthias von Schwanenflügel, Head of the Directorate General for Demographic Change, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth of Germany; and Maria Soledad Cisternas Reyes, former Chair of the Committee on the Rights of Persons with Disabilities.

20. The Working Group then held an interactive discussion, during which the panellists responded to the comments and questions posed by the representatives of Colombia (also on behalf of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Indonesia, Kenya, Malaysia, Mexico, Panama, Peru, Qatar, Slovenia, South Africa, Trinidad and Tobago and Uruguay — members of the Group of Friends of Older Persons), Spain, the European Union, Chile, Costa Rica, the United Kingdom, the Philippines, Argentina, Slovenia, Singapore and the United States of America. Statements were also made by the following national human rights institutions: the Office of the Ombudsman of Croatia and the Seimas Ombudsman's Office of Lithuania, as well as by representatives of the following NGOs: National Old Folks of Liberia; the Red Cross of Serbia; Fundación Oportunidad Mayor; HelpAge International; International Association for Hospice and Palliative Care; and AGE Platform Europe.

Panel discussion on violence, neglect and abuse

21. At its 4th meeting on 7 July, the Working Group held a panel discussion on violence, neglect and abuse. Presentations were made by the following panellists: Rosita Kornfeld-Matte, Independent Expert on the enjoyment of all human rights by older persons; Rio Hada, team leader on economic, social and cultural rights, Development and Economic and Social Issues Branch, Office of the United Nations High Commissioner for Human Rights; Kay Patterson, Age Discrimination Commissioner, Australian Human Rights Commission; and Lora Vidović, Ombudswoman of Croatia and Chair of the European Network of National Human Rights Institutions.

22. The Working Group then held an interactive discussion, during which the panellists responded to the comments and questions posed by the representatives of Slovenia (also on behalf of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Indonesia, Kenya, Malaysia, Mexico, Panama, Peru, Qatar, South Africa, Trinidad and Tobago and Uruguay — members of the Group of Friends of Older

Persons), the European Union, Paraguay, Argentina, Canada, Costa Rica, France, Chile, the Dominican Republic, Ecuador, the United Kingdom, Germany, Uruguay and Austria. A statement was made by Maria Soledad Cisternas Reyes, former Chair of the Committee on the Rights of Persons with Disabilities and by the following national human rights institutions: German Institute for Human Rights and the Seimas Ombudsman's Office of Lithuania. Statements were also made by the representatives of the following NGOs: German National Association of Senior Citizens' Organizations; National Association of Community Legal Centres, Australia; International Network for the Prevention of Elder Abuse; Association camerounaise pour la prise en charge des personnes ageés; American Bar Association; Japan Support Centre for Activity and Research for Older People; International Longevity Centre Canada; International Federation of Social Workers; International Longevity Centre Global Alliance; Fundación Oportunidad Mayor; AGE Platform Europe; and the Centre for Gerontological Studies.

Conclusion on the focus areas

23. At its 5th meeting on 7 July, following a statement by the Chair, statements were made by the representatives of Argentina, the Philippines, Chile, the European Union, Mexico, Costa Rica, Uruguay, the United Kingdom, the Dominican Republic, the Russian Federation, Austria, Brazil, Kenya, Cuba, Slovenia, France, Germany and El Salvador.

24. At the same meeting, statements were made by the representatives of the following national human rights institutions: the Australian Human Rights Commission and the National Human Rights Commission of Korea, and by the representatives of the following NGOs: Age UK; HelpAge International; AGE Platform Europe; International Association for Hospice and Palliative Care; International Network for the Prevention of Elder Abuse; International Longevity Centre Global Alliance; Generations United; and National Association of Community Legal Centres, Australia.

IV. Other matters

Discussion on the way forward

25. The Working Group considered item 7 at its 5th meeting on 7 July and held a discussion on the way forward. Following a statement by the Chair, statements were made by the representatives of Argentina, Canada and Germany.

26. At the same meeting, on the proposal of the Chair, the Working Group agreed on the two focus areas for the next session as follows: "Autonomy and independence" and "Long-term and palliative care".

V. Chair's summary of the key points of the discussions

27. At its 1st meeting, on 5 July, the Working Group agreed to include the Chair's summary of the key points of the discussions in the report of the session. The Chair's summary reads as follows:

Chair's summary of the key points of the discussion at the eighth working session of the Open-ended Working Group on Ageing

The eighth session of the Open-ended Working Group on Ageing set a milestone by allowing for the participation of "A" status national human rights

institutions in their own capacity, according to the modalities for their participation established by decision 7/1 of the Working Group, adopted by consensus during its seventh session in 2016. In that regard, the Working Group became the first subsidiary body of the General Assembly in New York (other than the Human Rights Council in Geneva) which allowed for the participation of national human rights institutions in their own capacity, following the mandate given by the General Assembly through its resolution 70/163 entitled "National institutions for the promotion and protection of human rights".

In that framework, eight national human rights institutions from three different regional groups registered and attended the session, actively participating and making meaningful contributions to the discussions and the work of the Working Group.

Furthermore, 513 representatives from 160 non-governmental organizations NGOs were accredited to participate in the session, of which 69 representatives from 33 NGOs attended.

The eighth session began with the election of officers. The Working Group elected Katharina Konzett-Stoffl of Austria to represent the Western Europe and Others Group; Lahya Itedhimbwa Shikongo of Namibia to represent the African Group; and myself to represent the Latin American and Caribbean Group in the Bureau of the Working Group. Furthermore, I had the honour to be elected as Chair of the Working Group. Regarding the composition of the Bureau, allow me to express my great satisfaction with the fact that once again, all regional groups are represented in the Bureau. Furthermore, it is to be emphasized that 80 per cent of the Bureau are women representatives, which represents a very significant and positive sign in the efforts made by Member States and regional groups to achieve gender parity at the United Nations. I very much welcome this development and hope it can be replicated throughout different bureaux.

Subsequently, the Working Group adopted the agenda and the programme of work for the session. It should be emphasized that during the eighth session, the Working Group organized its work according to the decision taken as a result of the discussion on the way forward held during the seventh session, in December 2016. In that regard, during the intersessional period, the Bureau proposed that the organization of work be based on a general debate on the topic "Measures to enhance the contribution of older persons to social development"; two interactive discussions on the focus areas of "Equality and non-discrimination" and "Violence, neglect and abuse"; an interactive debate on conclusions on the two focus areas; and a discussion on the way forward.

Regarding the two focus areas selected for the eighth session, during the intersessional period the Chair requested members of the Working Group (Member States and observer States) and other relevant stakeholders (national human rights institutions, intergovernmental organizations, United Nations agencies and NGOs) to submit substantive inputs based on two questionnaires prepared by OHCHR and the Department of Economic and Social Affairs. The Working Group received inputs from 32 Member and observer States, 22 national human rights institutions, 14 entities of the United Nations system and 37 accredited NGOs. The large number of substantive contributions was a clear display of the relevance of the issue of the human rights of older persons and of the importance of the two selected areas.

On the basis of the large number of inputs received, the Working Group prepared two discussion papers for each interactive discussion on the focus areas, making a summary of the contributions and highlighting the commonalities and trends identified in the responses to the questionnaires. I want to thank particularly

OHCHR and the Department of Economic and Social Affairs for preparing those papers, which helped to guide the interactive discussions on the two focus areas.

The papers summarizing the substantive inputs received and the discussion papers for the two interactive discussions held on the focus areas are available from the website of the Working Group.

After the adoption of the agenda and the programme of work, the Working Group proceeded to approve the participation of NGOs not in consultative status with the Economic and Social Council that had requested accreditation. It then held its general debate on the topic "Measures to enhance the contribution of older persons to social development". I wish to acknowledge and express my appreciation for the active participation of the large number of Member and observer States that made interventions during the general debate and that of national human rights institutions, intergovernmental organizations, NGOs and other groups.

During the general debate, delegations made reference to the important contribution that older persons can make to the development of their respective societies. As a growing segment of the population, older persons constitute a social group, which is expected to have the highest rate of growth in the next decades. The number of older persons is expected to grow from 901 million in 2015 to 1.4 billion by 2030, outnumbering youth globally, and 2.1 billion by 2050, outnumbering children globally; and the highest rate of growth is going to be registered in developing countries. Population ageing was identified as a mega trend, which poses a series of new challenges to both the social and sustainable development of all societies. In that regard, delegations highlighted the importance of considering older persons as an active group, who can make a significant contribution to social development, as long as certain guarantees are in place to allow for their full participation in society. Older persons were identified as both agents and beneficiaries of change, and delegations made reference to the need to fully empower older persons as a means to allow and promote their full participation in and contribution to sustainable development.

Furthermore, a large number of delegations made reference to the fact that, in order to fully empower older persons so as to allow them to contribute actively and effectively to development, it is fundamental to consider older persons as specific rights holders and agents of change; and to provide guarantees with respect to the full and effective enjoyment of their human rights and fundamental freedoms, in order to allow for their participation in social, economic, cultural, civil and political life, and to seize their experience and potential for contributing to all areas of development.

Finally, many delegations from the Latin American and Caribbean region made reference to the Asunción Declaration on building inclusive societies: ageing with dignity and rights, made at the fourth Regional Intergovernmental Conference on Ageing and the Rights of Older Persons in Latin America and the Caribbean, organized by the Economic Commission for Latin America and the Caribbean and the Government of Paraguay in Asunción from 27 to 30 June 2017.

Following the general debate, the Working Group held two interactive discussions on the focus areas of the eighth session, namely "Equality and non-discrimination" and "Violence, neglect and abuse". At this stage, I would like to express my deepest appreciation to the panellists for their excellent and very substantive interventions, which provoked a deep and fruitful debate among the members of the Working Group, really allowing it to become closer to fulfilling its mandate of strengthening the protection of the human rights of older persons. The panellists included the Independent Expert on the enjoyment of all human rights by older persons, representatives from OHCHR, representatives of national human

rights institutions and national Governments and the former Chair of the Committee on the Rights of Persons with Disabilities.

Each interactive discussion on the focus areas was preceded by a panel, which featured presentations by different stakeholders who provided their insights from different perspectives, such as those of the human rights treaty body system, the current framework of international human rights law, national and regional experiences, specific human rights mandates and national human rights institutions.

Each panel was followed by interactive discussions among all stakeholders, guided by the discussion papers prepared by OHCHR and the Department of Economic and Social Affairs summarizing the main trends and commonalities in the two focus areas from the inputs received prior to the session.

Equality and non-discrimination

During the interactive discussion on equality and non-discrimination, panellists, delegations and participants welcomed a substantive discussion on an issue that is a cornerstone of the human rights framework and directly affects the enjoyment of the human rights of older persons. In that sense, views were expressed that although the Universal Declaration on Human Rights proclaims that all human beings are born free and equal, it is evident that the enjoyment of all human rights diminishes with age, owing to the negative notion that older persons are somehow less productive, less valuable to society and a burden to the economy and to younger generations. Also, there is an idea that they constitute a vulnerable group, a passive target of special "protection" and paternalistic measures. This structural ageism and prejudice against older persons can be seen in society, in law, in policies and in practice, leads to the exclusion of and discrimination against older persons, and must be combated. Older persons are active subjects, both agents and beneficiaries of change and they make a substantive contribution to the development of their societies; in that sense, they should be considered as specific rights holders, in order to be able to fully participate in social, economic, cultural and political life. In parallel with the fact that population ageing is a mega trend, development leads to people living longer and thus contributing to their respective societies for longer. Furthermore, the majority of older persons are able to live their lives autonomously.

In that context, ensuring that older persons have equal enjoyment of their human rights and are not subject to any form of discrimination on the basis of their age is a fundamental factor in fostering their active participation in society.

When it comes to the international legal framework with regard to the right to equality and non-discrimination, although the general principle is included in most (but not all) State constitutions and national laws, as well as in several human rights treaties, in almost no cases are there specific references to the right of equality of older persons and to non-discrimination on the basis of age. Furthermore, where those specific provisions do exist, they are usually limited in their scope of application, such as in employment, or in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Although there are cases of specific provisions in national and regional legislation (such as the Inter-American Convention on Protecting the Human Rights of Older Persons, the Protocol to the African Charter on Human and People's Rights on the Rights of Older Persons in Africa) and in the European Union, the standards applied vary from one case to another, showing a clear lack of normative coherence. The fact is that there are no international, universally applicable standards that could serve as a reference, not only for developing legislation at the national, regional and international level to protect such rights, but also for providing a basis

for effective monitoring, compliance, accountability and redress mechanisms, and making possible the production of comparable data on this issue.

Most delegations agreed that there is a systematic failure in the current framework on international human rights law to explicitly recognize age as a prohibited ground for discrimination, which constitutes a clear gap in the current system and leads to the invisibility of numerous serious human rights violations against older persons, owing to the lack of specific research, information, disaggregated data and systematic analysis.

Many delegations also referred to the fact that no instrument of the current legal framework, such as the main human rights treaties or the Madrid International Plan of Action on Ageing, provides the much-needed set of universally applicable standards to protect the rights of older persons to equality and non-discrimination; to provide guidance for the development of specific legislation at the national and regional levels and to provide for effective monitoring and accountability mechanisms. Furthermore, those delegations stated that even if the existing instruments were fully implemented all over the world and the rights of older persons were mainstreamed into all existing treaty bodies and reporting mechanisms (such as the universal periodic review), there would still be a normative dispersion and a lack of consistency in the approach of the international human rights legal framework to the rights of older persons owing to the inconsistency and inadequacy of the current system and the lack of specific references. A clear example is the fact that although the number of recommendations concerning older persons under the universal periodic review more than doubled between its first and second cycle (from 49 to 116), they still represent a minute percentage of the recommendations made. Another indicator is the fact that of the 2,500 recommendations of the human rights treaty bodies, only 0.8 per cent are related to older persons and only 2.8 per cent include references to older persons or people of all ages. Furthermore, only 1 per cent of the targets of the Sustainable Development Goals include references to older persons, the fastest-growing segment of the population.

Delegations also held a discussion regarding the advantages and disadvantages of developing a new international legally binding instrument. While some delegations presented best practices at the national and regional level for the protection of older persons, particularly with regard to their rights to equality and non-discrimination, a number of participants, including Member States, national human rights institutions and NGOs, stated that developing a specific protection regime for the rights of older persons at the international level would provide coherence to an otherwise fragmented, uneven and incomplete landscape of legal norms. They also stated that the development of international universally applicable standards related to the human rights of older persons would contribute to, inter alia, clarifying State obligations with regard to the protection and promotion of the human rights of older persons, developing effective monitoring mechanisms for ensuring accountability and redress, and providing consistent and systematic protection against the discrimination, violence and abuse that affect a large number of older persons globally.

Finally, references were made to the fact that a comprehensive and systematic approach to the protection of the human rights of older persons, backed by international legal standards and mechanisms, would enhance the visibility of older persons and the promotion of their rights, ensuring their active participation and meaningful contribution to society.

Violence, neglect and abuse

Preceding the interactive discussion on violence, neglect and abuse, the panellists made presentations highlighting the importance of the issue and its prevalence, as well as the fact that there is not much information available, owing mainly to underreporting and to the lack of standardized criteria and legal provisions for measuring violations.

According to WHO estimates, 1 in 6 persons aged over 60 is suffering from abuse. That means nearly 141 million people globally and the number might be much higher, owing to the fact that violence, neglect and abuse against older persons is one of the most hidden and underreported violations. The same WHO estimates indicate that nearly 80 per cent of cases are not reported, owing to shame and lack of awareness or information. Furthermore, with projections indicating that the number of older persons will almost double by 2050, the prevalence of this scourge could represent more than 320 million people worldwide. That is a clear display of the relevance and urgency of the matter and the need to devise immediate concerted actions to prevent and combat violations. Also, the lack of specific data on the prevalence of the issue prevents us from accurately determining the actual scale of the problem and the development of effective measures of response, prevention and redress.

Nonetheless, from the data available, it is clear that violence against and neglect and abuse of older persons can take many forms (physical, financial, psychological, social, sexual, etc.), can take place in different settings (within families, in homes, in the workplace, in care institutions, in public spaces, in the media, in cyberspace, etc.) and can be perpetrated by a wide range of actors (family members, caregivers, legal guardians, health professionals, government workers, financial representatives, etc.). In that context, older persons have consistently been identified as a vulnerable group in the existing framework of international human rights law and human rights mechanisms, requiring special measures of protection against violence and abuse. However, the dispersion and lack of coherence of the current system make it very difficult, and in some cases, impossible, to report and seek accountability for cases of violence against and neglect and abuse of older persons. One of the most prevalent forms of elder abuse is financial abuse. If an older person suffers from financial abuse, the only possible way to report and seek reparation for that violation under the current treaty body system would be to address the Working Group on the issue of human rights and transnational corporations and other business enterprises (if the violation was perpetrated by a bank or financial institution) or the Committee on Economic, Social and Cultural Rights (if the violation was perpetrated by a family member or any other private citizen). It is clear that neither the International Covenant on Economic, Social and Cultural Rights, nor the Guiding Principles on Business and Human Rights have specific provisions to protect older persons from this very prevalent form of abuse.

Regardless of the fact that more efforts are needed to further mainstream older persons in the work of the existing human rights mechanisms and that the current human rights treaty body system is overloaded, the lack of specific provisions and standards regarding the protection of the human rights of older persons contributes to the overloading, incoherence and ineffectiveness of the human rights mechanisms.

In that framework, many delegations expressed the need to develop a new set of universally applicable normative standards for the protection of older persons against violence, neglect and abuse, which would contribute to providing a comprehensive response to the problem, as well as providing clarity and coherence on the responsibility of the State with regard to the protection of older persons

against such violations. They would also contribute to developing legislation and measures to address the problem at the national level. Such standards would also provide guidance for the development of a reporting, accountability and remedy mechanism for such violations suffered by older persons.

Many delegations also referred to the case of violence against older women, who suffer from multiple, intersecting and exacerbated forms of violence and discrimination, and the fact that there is such a dispersion in the current status of the human rights mechanisms, so that often some of the overlapping causes of violence against and abuse of older women are just not recognized. A clear example of that is the fact that until very recently, violence against women was measured only until the age of 49.

Other delegations pointed out that in the particular case of violence and abuse there are specific human rights instruments that protect specific groups of the population against such violations (such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child), but still no specific international legally binding instrument exists that protects older persons from violence, neglect and abuse. The lack of a specific instrument does not mean that the existing ones should not be implemented, or that older persons should not be mainstreamed into their implementation. On the contrary, those efforts should be complementary and until there is an instrument dedicated to protecting older persons from violence, neglect and abuse, there is an urgent need to work within the scope of the existing framework to develop legislation, policies and measures to protect them from such violations.

Many delegations expressed the view that discussions on the feasibility and possible elements of a new instrument should not prevent States from complying with their existing international obligations on human rights. In the same context, other delegations emphasized that such violations are universal and as such they require a universal response and the development of a specific, consistent and comprehensive instrument that protects the right of older persons to live free from violence, neglect and abuse.

In that framework, many participants indicated that such violations deprive older persons of their dignity and are not sufficiently provided for in the existing framework of human rights law, which constitutes a normative gap that needs to be addressed with the utmost urgency. In that context, delegations embarked on a discussion as to what type of content and definitions the development of international standards should have. Some delegations expressed the view that not all forms of elder abuse should be criminalized, but all of them should be prevented and discouraged, and specific measures for each type of abuse should be developed. In order to do so, it would be necessary to provide a clear definition of violence against and neglect and abuse of older persons. A single, dedicated international instrument would provide standards related to the human rights of older persons and guidance for the development of national legislation, policies and programmes to prevent and combat violence against and neglect and abuse of older persons, and specific and adequate mechanisms for protection and accountability at the national and international levels.

Furthermore, the development of normative standards should provide a comprehensive definition of violence, neglect and abuse, including all the forms they might take, the different settings where they could occur and the perpetrators who commit such violations, as well as the special measures to counter each type of violation or abuse (whether criminalized or not). Such standards should also stipulate the obligation of the State to respect, protect and promote the right of older

persons to live free from violence, neglect and abuse by developing and enforcing effective legislation, policies and measures to prevent such violations, providing support and remedies to the victims and regularly monitoring and reporting on the problem by collecting and analysing disaggregated data on the prevalence of the phenomenon.

Finally, some participants shared with the Working Group concrete normative elements to bear in mind when designing international standards for the protection of the rights of older persons to equality and non-discrimination and to live free from violence, neglect and abuse. With regard to the right to equality and non-discrimination, it was emphasized that such standards should prohibit all forms of discrimination on the basis of age in all areas of life, without limitations, and including intersectional and cumulative discrimination. Such a prohibition should not be subject to any form of exception to the principle of equal treatment, other than the ones permitted on any other ground. Such exceptions should be specifically justified according to the obligation of the State to ensure equality to its citizens and the differential impacts of any decision on older persons carefully considered. Furthermore, the standards for the protection of such rights to equality and non-discrimination for older persons should provide for discrimination against any individual and structural and systemic discrimination, and require States to prevent and eliminate systemic ageism. A fundamental normative part of the standards to protect such rights would be to obligate States to assist older persons in seeking accountability, measures of redress and reparation, and access to justice and provide information, research, data and public awareness around the issue of the rights to equality and non-discrimination on the basis of age for older persons.

With regard to the normative elements for the development of international standards for the protection of the right of older persons to live free from violence, neglect and abuse, participants emphasized that such rights should provide for the protection of older persons against all forms of violence, neglect and abuse in both public and private settings, perpetrated by both public and private actors. In that sense, States should have the obligation to take comprehensive measures to prevent violence against and neglect and abuse of older persons; ensure access to a variety of support services for victims; collect, disaggregate, analyse and share data; ensure access to justice, remedies and redress; and prevent, investigate, prosecute and punish such acts.

During the discussion on the way forward, delegations expressed their satisfaction with the development of the session under the new format proposed during the seventh session of having substantive discussions involving two focus areas that directly affect the enjoyment of the human rights of older persons. In that regard, in my capacity as Chair, I proposed to the members of the Working Group to continue working in this format, fostering substantive discussions on issues that affect the human rights of older persons. Regarding the selection of focus areas for the ninth session, I reminded the members of the Working Group that during the seventh session we identified a series of issues or areas that deserved the attention of the Working Group and invited delegations to add more issues to that list. That is reflected in the report on the seventh session.

In that framework, the majority of delegations expressed their interest in selecting "Autonomy and independence" and "Long-term and palliative care" as the two focus areas for the ninth session. One delegation, however, expressed a preference for discussing focus areas related to social issues, such as social development, social security, social protection and the contribution of older persons to sustainable development.

Following that discussion, the Working Group made an oral decision and selected autonomy and independence and long-term and palliative care as the two focus areas for the ninth session. As was done in preparation for the present session, during the intersessional period the Bureau will make a call for inputs on the two focus areas of the ninth session, which will then be summarized and analysed by the Secretariat (the Department of Economic and Social Affairs and OHCHR) to guide our discussions on the selected areas.

Immediately after the decision, delegations made reference to the need not to lose sight of the fact that the mandate of the Working Group is related to human rights, as established by the General Assembly in resolution 65/182. They also referred to the fact that although the mandate of the Working Group requires a holistic approach to be taken to the issue of the human rights of older persons, which must include the social and developmental dimensions, an analysis of the social dimensions of ageing as a phenomenon, the follow-up to the Madrid International Plan of Action and consideration of the social situation of different social groups, including older persons, it is part of the mandate of the Commission for Social Development. Those delegations therefore made reference to the need to keep a human rights approach to the scope and focus of the work of the Working Group, in order to enable it to fulfil its mandate.

It is also important to emphasize that throughout the session, many delegations and participants made specific references to and expressed their dissatisfaction with the lack of progress achieved by the Working Group with regard to the mandate set out by the General Assembly in resolution 67/139 to start, from its fourth session in 2013, considering proposals for an international legal instrument to promote and protect the rights and dignity of older persons; and to present to the General Assembly, at the earliest possible date, a proposal containing, inter alia, the main elements that should be included in an international legal instrument to promote and protect the rights and dignity of older persons, which are not currently adequately addressed by existing mechanisms and therefore require further international protection.

Although there is still no unanimity with regard to the need to develop a new international legally binding instrument specifically devoted to the rights of older persons, we must not allow that difference of opinion to move us away from our duty to fulfil the mandate of the Working Group to strengthen the protection of the human rights of older persons by analysing the existing international legal framework, identifying gaps and devising alternative ways to address them, including considering the feasibility of further instruments and measures. It is my intention as Chair to work on the basis of consensus, but also to move rapidly towards fulfilling the mandate of the Working Group, after its seven years in existence.

I also proposed that the Working Group should continue working during the intersessional period and at the next session on the basis of the substantive discussions held during this session on the two focus areas of equality and non-discrimination and violence, neglect and abuse. In that regard, during the intersessional period the Bureau will call for substantive inputs in the form of normative content for the development of a possible international standard on protection of the rights of older people to equality and non-discrimination and the right to live free from violence, neglect and abuse. During the ninth session the Group will consider and discuss the normative elements that have been received.

In sum, the Bureau will prepare a programme of work for the ninth session during the intersessional period, which will include a segment for discussion of the normative inputs received with regard to the focus areas for the eighth session, as

well as two interactive discussions on the new focus areas selected for the ninth session and the usual discussion on the way forward.

Finally, many delegations spoke of the need to have sufficient time and conference resources to hold those substantive discussions and fulfil the mandate of the Working Group. In that regard, they proposed that there should be more predictability and stability regarding the dates, duration and provision of services of the annual sessions of the Working Group. They expressed the absolute need to have annual sessions of four days on a fixed date in the calendar, to be repeated every year, to include the sessions in the official calendar of meetings of the United Nations, and to be able to count on full conference and interpretation services for each session.

Given the fact that interpretation services are provided to the Working Group on an "as available" basis, which means that the annual sessions are not included in the official calendar of United Nations conferences and meetings and that no fixed date can be announced for each session, many Member States referred to the need to address the situation through the annual resolution in which the General Assembly renews the mandate of the Working Group, requesting that it meet annually for four days with full support from the Secretary-General in the provision of conference services, including interpretation services, until its mandate is fulfilled.

It is necessary to emphasize that during the sixth session of the Working Group in 2016, three of the seven meetings of the session did not have interpretation services, which seriously hampered the success of the meetings and the fruitful deliberations of the members of the Working Group. Furthermore, during the current session, the Bureau was constrained to amend the proposed organization of work and reduce the duration of the session from three to two and a half days, owing to the lack of availability of interpretation services.

I sincerely hope that the efforts of Member States during the negotiation of the General Assembly resolution in the autumn can count on the support of the entire membership, in order that the necessary conference resources can finally be allocated, so that the Working Group can fully fulfil its mandate.

VI. Provisional agenda for the ninth working session of the Open-ended Working Group on Ageing

28. At its 5th meeting, on 7 July, a statement was made by the Chair regarding the provisional agenda for the ninth working session of the Working Group.

VII. Adoption of the report

29. At its 5th meeting, on 7 July, the Working Group adopted the draft report on its eighth working session (A/AC.278/2017/L.1).